IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Review Petition No. l06 of 2003
in
Writ Petition No.2530 of 2003

Abid Khan Munsaf Khan Pathan..Petitioner
vs
The State of Mah and ors.. Respondents

Mr Jagdish Reddy with Niranjan Shimpi i/b Shri P K Dhakephalkar for petitioner
Mr. C.R.Sonawane AGP for respondents

**CORAM: A.P.SHAH & D.Y.CHANDRACHUD JJ.**

**Dated 3.3.2005**

P.C:

l. Heard the learned counsel for the parties.

2. The petitioner claims that he belongs to Muslim Gavandi caste which is notified as OBC. The petitioner contested the election to the Bhiwandi Nizampur City Municipal Corporation and was elected to the seat reserved for candidate belonging to OBC category. The Caste Scrutiny Committee by the impugned order dated 6.3.2003 invalidated the caste certificate of the petitioner. Being aggrieved by the order of the Scrutiny Committee, petitioner preferred present writ petition before this court which came to be dismissed by order dated l2.6.2003.

3. Mr Reddy, learned counsel appearing for the pensioner brought to our notice that the Scrutiny Committee has validated the caste certificate granted to Wajidkhan Munsafkhan Pathan who is younger brother of the petitioner vide order dated 22.7.2003. The Scrutiny Committee has held that the appellant's younger brother belongs to Muslim Gavandi caste. The Scrutiny Committee has rejected the claim of the petitioner mainly on the ground that he has failed to produce the requisite evidence to establish his claim. Having regard to the fact that the petitioner's own brother has been granted caste validity certificate the impugned order of the Scrutiny Committee cannot be sustained. The order dated l2.6.2003 is hereby recalled. The order of the Scrutiny Committee dated 6.3.2003 is quashed and set aside and the matter is remitted back to the Scrutiny Committee to consider the case of the petitioner afresh in accordance with law and the Scrutiny Committee is directed to decide the matter within a period of four months from today.

Review petition is accordingly disposed of.